

REMARKS

Summary of the Office Action

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite.

Claims 1-14 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 8 and 12 of U.S. Patent No. 7,597,277.

Summary of the Response to the Office Action

Applicants have amended dependent claim 4 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claim. Accordingly, claims 1-31 are currently pending, with claims 1-14 currently under consideration.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Applicants have amended dependent claim 4 in order to improve the form of the claim in response to the Examiner's comments at page 2, sections 2-3 of the Office Action. Applicants respectfully submit that all of the currently pending claims, as amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph be withdrawn.

Double Patenting Rejections

Claims 1-14 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5, 8 and 12 of U.S. Patent No. 7,597,277. Applicants submit a Terminal Disclaimer in this application, thereby obviating the double patenting rejections. Accordingly, withdrawal of the double patenting rejections is respectfully requested.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.


EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No.

50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR
EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: December 20, 2010

Respectfully submitted,

By 

Paul A. Fournier
Registration No.: 41,023
DRINKER BIDDLE & REATH LLP
1500 K Street N.W.
Suite 1100
Washington, DC 20005-1209
(202) 842-8812
(202) 842-8465 (Fax)
Attorney For Applicants